

4.4 Cultural Resources

This section describes the existing cultural resources of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures as necessary related to implementation of the proposed Pacifica Project (proposed project or project). The following analysis is based on the Negative Cultural Resources Inventory Report prepared for the proposed project by Dudek in December 2022, which is included as Appendix E to this environmental impact report (EIR).

4.4.1 Existing Conditions

The project site falls within Sections 4 and 33 of Township 10 South, 11 South, Range 4 West of the Morro Hill, California 7.5-minute U.S. Geological Survey Topographic Quadrangle Map. The project site is bound to the north by single-family homes fronting Claire Drive, to the east by single-family homes fronting Roja Drive, to the south by single-family homes fronting North Redondo Drive, and to the west by open space. The San Luis Rey River is located approximately 0.4 miles southeast of the project site.

According to the Geotechnical Evaluation Report (Appendix F), artificial fill was encountered to depths ranging between 2 to 25.5 feet below existing grade with the average depth across all borings ranging from 10 to 15 feet deep and located within the majority of the project site. Alluvial soils (Quaternary Alluvium) were encountered in six borings to depths ranging between 11 to 46.5 feet below existing grades and located within the central sections of the project site. Tertiary-age Santiago Formation (sedimentary bedrock) was encountered in eight borings at depths between 2 to 26.5 feet below existing grades and located in the northern and southern sections of the project site. The site was previously an alluvial canyon underlain by young to older alluvial deposits and bedrock of the Santiago Formation. An earthen dam was constructed to facilitate a water reservoir until the site was filled to construct a flat earthen pad for the construction of an elementary school, which operated on the site until 2002. The site now includes remnant pavement, a parking lot, playground areas, curbs, an overgrown sandbox, a shade structure, and a large field regularly mowed (for fire abatement) about every 2.5 months per the school district facilities department (Appendix F).

4.4.1.1 Methodology

Records Search

Dudek conducted a records search at the South Coastal Information Center (SCIC) for the project site and a 1-mile radius buffer around the project on October 28, 2022 (Confidential Appendix A to Appendix E of this EIR). The records search results indicate that 56 previous cultural resources studies have been conducted within 1 mile of the project site. Of the 56 studies, 2 studies intersect the project site and are listed in Table 4.4-1 below. The studies not listed in Table 4.4-1 are included in Confidential Appendix A to Appendix E of this EIR.

Table 4.4-1. Previous Cultural Studies on the Project Area of Potential Effect

Report ID	Title	Author	Year
SD-01306	An Archaeological Survey for Whelan Ranch	RECON	1978
SD-14069	Cultural and Historical Resource Study for the City of Oceanside General Plan- Circulation Element update Program Environmental Impact Report (PEIR)	ASM Affiliates, Inc.	2011

Source: Appendix E.

Previously Recorded Resources

The SCIC records search also revealed that no cultural resources have been recorded within the project site. The records search identified a total of 32 cultural resources within the 1-mile search radius of the project site (Table 4.4-2). Of the total 32 resources identified in the 1-mile search radius of the project site, 26 are prehistoric resources, 5 are historic resources, and 1 is a multicomponent site. No historic addresses have been recorded within the project site; however, one historic address is located within the within the 1-mile search radius of the project site. The results of the records search and all DPR forms are attached as part of Confidential Appendix A to Appendix E.

Table 4.4-2. Previously Recorded Cultural Resources in the 1-Mile Record Search Radius

Primary Number	Trinomial	Age	Description	In/Out of Project Area
P-37-001248	CA-SDI-001248	Prehistoric	Bedrock milling site with lithic scatter	Out
P-37-001266	CA-SDI-001266	Prehistoric	Occupation site or large village; small workshops: lithic scatter and pot sherds	Out
P-37-001269	CA-SDI-001269	Prehistoric	Camp site or workshop of SDI-001266: lithic scatter	Out
P-37-001270	CA-SDI-001270	Prehistoric	Workshop for SDI-001266: lithic scatter	Out
P-37-001271	CA-SDI-001271	Prehistoric	Camp or workshop/grinding station for SDI-001266: lithic scatter and potsherd	Out
P-37-001274	CA-SDI-001274	Prehistoric	Occupation site: lithic scatter	Out
P-37-001275	CA-SDI-001275	Prehistoric	Occupation or camp site: lithic scatter	Out
P-37-001276	CA-SDI-001276	Prehistoric	Hand stone	Out
P-37-005457	CA-SDI-005457	Prehistoric	Shell scatter	Out
P-37-005458	CA-SDI-005458	Prehistoric	Shell scatter	Out
P-37-005459	CA-SDI-005459	Prehistoric	Shell scatter	Out
P-37-006908	CA-SDI-006908	Prehistoric	Campsite: bedrock milling features, lithic scatter, and potsherd	Out

Table 4.4-2. Previously Recorded Cultural Resources in the 1-Mile Record Search Radius

Primary Number	Trinomial	Age	Description	In/Out of Project Area
P-37-006909	CA-SDI-006909	Prehistoric	Campsite: bedrock milling features and lithic scatter	Out
P-37-008726	CA-SDI-008726	Prehistoric	Bedrock milling site	Out
P-37-008727	CA-SDI-008727	Prehistoric	Campsite: bedrock milling features, lithic scatter, potsherds	Out
P-37-008728	CA-SDI-008728	Prehistoric	Campsite: bedrock milling features and lithic scatter	Out
P-37-008729	CA-SDI-008729	Historic	Petroglyphs	Out
P-37-008730	CA-SDI-008730	Prehistoric	Bedrock milling feature	Out
P-37-008731	CA-SDI-008731	Prehistoric	Lithic scatter and potsherd	Out
P-37-008732	CA-SDI-008732	Prehistoric	Bedrock milling feature	Out
P-37-008733	CA-SDI-008733	Prehistoric	Bedrock milling feature	Out
P-37-008778	CA-SDI-008778	Prehistoric	Bedrock milling site	Out
P-37-011970	CA-SDI-011970	Multicomponent	Historic habitation site (house, barn, outbuildings) and historic artifacts, and prehistoric bedrock milling features and lithic scatter	Out
P-37-012241	CA-SDI-012241	Prehistoric	Lithic and ground stone scatter	Out
P-37-026841	CA-SDI-017549	Historic	Trash scatter and building materials	Out
P-37-037097	n/a	Prehistoric	Milling slab fragment	Out
P-37-038464	n/a	Historic	Single-family housing	Out
P-37-038465	n/a	Historic	Single-family housing	Out
P-37-038466	n/a	Prehistoric	Brownware pottery sherd fragment and shell fragment	Out
P-37-038467	n/a	Prehistoric	Brownware pottery sherd fragment	Out
P-37-038468	n/a	Prehistoric	Hand stone	Out
P-37-038469	n/a	Historic	Single-family housing	Out

Source: Appendix E.

Note: n/a = not available or applicable.

Archival Research

In addition to the SCIC records search, Dudek conducted an online review of historic aerial photographs and topographic (topo) maps of the project site and general vicinity, to determine the possible development and land use of the project site in the past. Historic aerial photographs of the project site were available for 1938, 1946,

1953, 1964, 1967, 1978, 1980–1986, 1988–1991, 1993–2000, 2002, 2003, 2005, 2009, 2010, 2012, 2014, 2016, 2018, and 2020 (NETR 2021). The 1946 aerial shows grading within the center of the project site. In the 1953 aerial, a reservoir is observed in the project site. The 1964 aerial reveals that the reservoir has reduced further in size, and grading is seen within the southwestern section of the project site. The construction of a residential development is observed immediately to the south of the project site. In the 1967 aerial, the reservoir appears to have been drained, and residential development is observed to the east of the project site. In the 1978 aerial, the project site has been graded, and the first building appears in the form of a large 210-foot by 240-foot school building on the northeast end of the project site (note: per school district records, the school was constructed in 1972; see Appendix G). Residential development is observed to the north and east of the project site. No drastic changes are observed in the 1981 to 1983 aerials. In the 1984 aerial, a paved parking lot surrounds the building in the northeast section of the project site. No drastic changes are observed in the 1985 to 1993 aerials. In the 1994 aerial, a modular classroom building to the west of the large, primary building is observed. A residential development is observed to the west of the project site. No drastic changes are observed on the 1995 to 1997 aerials. In the 1998 aerial, a standing shade structure is observed to the south of the modular classroom. No drastic changes are observed on the 1999 to 2002 aerials. In the 2003 aerial, a cluster of 11 modular classroom buildings were observed near the center of the project site. The 2005 aerial reveals that the primary 210-foot by 240-foot building on the property is has been demolished (note: per school district records, the buildings were demolished in 2004; see Appendix G). In the 2009 aerial, a cluster of buildings replaced the primary 210-foot by 240-foot building, and the modular classroom buildings observed near the center of the project site are in the process of being removed. No drastic changes are observed on the 2010 to 2012 aerials. In the 2014 aerial, several of the buildings were removed from the project site. No drastic changes are observed on the 2016 to 2020 aerials. A review of the historic aerials demonstrates that the project area has been entirely disturbed by ground-disturbing activities related to the development of a reservoir and the grading and development of a public elementary school. No historic structures are present within the project site.

Historic topo maps of the project site were reviewed (earliest map available is 1942). A creek feature is observed to the south of the project area in the 1942, 1961, and 1964 topos and is no longer observed on the 1969 to 2018 topos. A reservoir feature covering a majority of the project site is observed on the 1949 and 1960 topos. A school is observed in the 2015 topo but disappears on the 2018 topo. A review of the historic topo maps reveals that there are no historic-age structures within the project site.

Native American Heritage Commission and Tribal Correspondence

A search of the Native American Heritage Commission (NAHC) Sacred Lands File was requested by Dudek on September 9, 2022, for the project site and a 1-mile buffer. The Sacred Lands File consists of a database of known Native American resources. These resources may not be included in SCIC database. The NAHC replied on November 8, 2022, and the results were negative. The NAHC additionally provided a list of Native American tribes and individuals/organizations with traditional geographic associations that might have knowledge of cultural resources in this area.

Outreach letters were mailed on November 28, 2022, to all Native American group representatives included on the NAHC contact list (Appendix E). The purpose of these letters is to solicit additional information relating to Native American resources that may be impacted by the project. Native American representatives were requested to define a general area where known resources intersect the project site. The Rincon Band of Luiseño Indians responded on December 12, 2022, recommending the presence of a Rincon tribal monitor during the pedestrian survey and a copy of the cultural resources study. The Viejas Band of Kumeyaay Indians responded on December 28, 2022, and requested a Kumeyaay cultural monitor to be on site during ground-disturbing activity and would like to be informed

of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains. The NAHC correspondence is included in Appendix B to Appendix E.

In compliance with Assembly Bill 52, the City of Oceanside (City), as lead agency, is responsible for conducting government-to-government consultation with tribal entities.

Intensive Pedestrian Survey

Dudek archaeologist Makayla Murillo conducted an intensive level pedestrian survey of the project site on September 21, 2022. Saving Sacred Sites Native American monitor Vii Sialoi participated in the pedestrian survey. All survey work was conducted employing standard archaeological procedures and techniques consistent with the Secretary of the Interior Standards. The survey involved walking 15-meter interval survey transects in a north-south direction for the project site. Within the transects, the ground surface was examined for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of the current or former presence of structures or buildings (e.g., standing exterior walls, post holes, foundations), and historic artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials.

The entire project site has been entirely disturbed, as evidenced by the presence of paved concrete and asphalt foundations, streetlights, children's sandbox, a standing shade structure, and parking lot associated with the previous public elementary school. Approximately 36% of the project site is paved with asphalt or concrete, while the rest of the project site consists of vegetation, including non-native grass, flat-topped buckwheat, and ice plants. A few non-native trees consisting of palm trees, eucalyptus, and peppertrees are present within the project site.

No cultural resources or built environment resources were identified within the project site.

4.4.2 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (16 USC 470 et seq.) establishes the federal policy for preservation of historical resources, including archaeological sites, and sets in place a program for the preservation of historic properties by requiring federal agencies to consider effects to significant cultural resources (e.g., historic properties) prior to undertakings.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of projects on historic properties (resources included in or eligible for the National Register of Historic Places [NRHP]). It also gives the Advisory Council on Historic Preservation and the state historic preservation offices an opportunity to consult.

Executive Order 11593, Protection and Enhancement of the Cultural Environment

Executive Order 11593 (36 FR 8921) (1) orders the protection and enhancement of the cultural environment through requiring federal agencies to administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; (2) initiates measures necessary to direct their policies, plans, and programs in such a way that federally-owned sites, structures, and objects of historical, architectural, or archaeological

significance are preserved, restored, and maintained for the inspiration and benefit of the people; and (3) in consultation with the Advisory Council on Historic Preservation, institutes procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance (16 USC 470-1).

National Register of Historic Places

The NRHP is the nation's official list of historic places. The National Park Service oversees the register, which requires that a property or resource eligible for listing in the register meet one or more of the following four criteria at the national, state, or local level to ensure integrity and obtain official designation:

- The property is associated with events that have made a significant contribution to the broad patterns of our history.
- The property is associated with the lives of persons significant to our past. Eligible properties based on this criterion are generally those associated with the productive life of the individual in the field in which the person achieved significance.
- The property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinction.
- The property has yielded, or is likely to yield, information important to prehistory or history.

In addition to meeting at least one of these four criteria, listed properties must also retain sufficient physical integrity of those features necessary to convey historic significance. The register has identified the following seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association.

Properties are nominated to the register by the state historic preservation officer of the state in which the property is located, by the federal preservation officer for properties under federal ownership or control, or by the tribal preservation officer if on tribal lands. Listing in the NRHP provides formal recognition of a property's historic, architectural, or archaeological significance based on national standards used by every state. Once a property is listed in the NRHP, it becomes searchable in the NRHP database of research information. Documentation of a property's historic significance helps encourage preservation of the resource.

State

Native American Historic Cultural Sites (California Public Resources Code, Section 5097 et seq.)

California Public Resources Code, Sections 5097–5097.6 identify that the unauthorized disturbance or removal of archaeological or historical resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (express permission) on public lands, and it provides for criminal sanctions. This section was amended in 1987 to require consultation with the NAHC whenever Native American graves are found. Violations that involve taking or possessing remains or artifacts are felonies.

California Public Resources Code, Section 5097.5, states that “no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historic feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.”

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, required all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Register of Historical Resources

Under the California Environmental Quality Act (CEQA), the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code, Section 5020.1[j]). In 1992, the California legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code, Section 5024.1[a]). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following NRHP criteria:

- Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.

Resources less than 50 years old are not considered for listing in the CRHR but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (California Public Resources Code, Section 5024.1[c]; 14 CCR Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological and historic resources:

1. California Public Resources Code, Section 21083.2(g): Defines “unique archaeological resource.”
2. California Public Resources Code, Section 21084.1, and CEQA Guidelines Section 15064.5(a): Define historical resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial

adverse change in the significance of an historical resource” and defines the circumstances when a project would materially impair the significance of a historical resource.

3. California Public Resources Code, Section 5097.98, and CEQA Guidelines Section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
4. California Public Resources Code Sections 21083.2(b)-(c), and CEQA Guidelines Section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code, Section 21084.1; CEQA Guidelines Section 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code, Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code, Section 21084.1; CEQA Guidelines Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code, Section 21084.1; CEQA Guidelines Section 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5[b][1]; California Public Resources Code Section 5020.1[q]). In turn, the significance of a historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains

shall occur until the County Coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Section 7050.5c). The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Assembly Bill 52

California Assembly Bill 52, which took effect July 1, 2015, establishes a consultation process between California Native American tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to Tribal Cultural Resources (TCRs). California Public Resources Code, Section 21074(a), defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, and object with cultural value to a California Native American tribe that is either:

1. listed or eligible for listing in the CRHR or a local register of historical resources, or
2. determined by a lead agency to be a TCR.

Local

City of Oceanside General Plan

Cultural resources are addressed in the City of Oceanside General Plan Environmental Resources Management Element (City of Oceanside 2002a) and the Land Use Element (City of Oceanside 2002b). The Environmental Resources Management Element identifies several important cultural sites, including the nearby Mission San Luis Rey, and encourages preservation of such sites when planning development. Specifically, the Environmental Resource Management Element has the following objective for cultural sites (City of Oceanside 2002a):

- Encourage the conservation and protection of significant cultural resources for future scientific, historic, and educational purposes.

In order to achieve this objective, the City will:

1. Encourage the use of “O” zoning and open space easements for the preservation of cultural sites.
2. Encourage private organizations to acquire, restore, and maintain significant historical sites.
3. Encourage investigation by the appropriate groups (i.e., museums, university students, etc.) to explore and record the significant archaeological sites in the areas and to forward this information to appropriate County agencies for inclusion in the San Diego County Natural Resources Inventory.

The Land Use Element provides designations for historic areas in order to preserve cultural resources. The Land Use Element states the following policy relevant to historic sites (City of Oceanside 2002b):

- 1.33 Historic Areas and Sites, Policy A: The City shall utilize adopted criteria, such as the “Mission San Luis Rey Historic Area Development Program and Design Guidelines,” to preserve and further enhance designated historic or cultural resources.

The Land Use Element further contains the following policies regarding cultural resources:

- 3.2A: The City shall encourage open space land use designations and open space land use designations and open space zoning or open space easements for the preservation of cultural resources.
- 3.2B: The City shall encourage the acquisition, restoration, and/or maintenance of significant cultural resources by private organizations.
- 3.2C: Cultural resources that must remain in-situ to preserve their significance shall be preserved intact and interpretive signage and protection shall be provided by project developers.
- 3.2D: An archaeological survey report shall be prepared by a Society of Professional Archaeologists certified archaeologist for a project proposed for grading or development if any of the following conditions are met:
 - 1. The site is completely or largely in a natural state;
 - 2. There are recorded sites on nearby properties;
 - 3. The project site is near or overlooks a water body (creek, stream, lake, freshwater lagoon);
 - 4. The project site includes large boulders and/or oak trees; or
 - 5. The project site is located within a half-mile of Mission San Luis Rey.

City of Oceanside Historic Preservation Ordinance

Chapter 14A of the City's Municipal Code, referred to as the Historic Preservation Ordinance, identifies evaluation criteria under which a historical site or area may be designated in Section 14A.6, as follows:

- a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- b) It is identified with persons or events significant in local, state, or national history; or
- c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- d) It is representative of the notable work of a builder, designer, or architect; or
- e) It is found by the council to have significant characteristics which should come under the protection of this chapter.

4.4.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural resources would occur if the project would:

- 1. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.2.
- 2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2.
- 3. Disturb any human remains, including those interred outside of formal cemeteries.

The CEQA Guidelines state that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource's significance. To best mitigate the effects of a project on cultural resources, a lead agency must make a reasonable, good faith effort to determine their historical or archaeological character and eligibility for listing in the CRHR. Of the four primary CRHR criteria for making such recommendations listed in Section 4.4.2, Regulatory Setting, Criterion 4 is most applicable for directing Phase I archaeological investigations. To be eligible for listing in the CRHR, a site must have "yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation" (California Public Resources Code, Section 5024.1; 14 CCR 4852).

4.4.4 Impacts Analysis

Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.2?

Based upon archival research and aerial photographs, the project site has been disturbed and modified between 1946 and 2018. In addition, the project site was also surveyed for potential built environment cultural resources. The survey confirmed that Assessor's Parcel Number (APN) 157-070-42 is vacant and that APN 122-190-22 contains utilities, including a public sewer lift station, that were constructed circa 2016, and no other structures. The survey also confirmed that any historic-age buildings have been demolished on APN 122-190-19, and the only extant structure on the property is a shade structure that was constructed circa 1998. There are no historical-era (greater than 45 years old) structures present on the project site. Therefore, there are no built environment cultural resources within the project site.

Additionally, the project site is in a ravine below most of the adjacent, historic-age, single-family residences, which creates a visual separation between the project site and surrounding development, and it is unlikely that a development on the project site would result in indirect impacts to the setting of built environment cultural resources.

For these reasons, it has been determined that the project would not result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.2, and potential impacts to historic resources as a result of project implementation would be **less than significant**.

Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2?

Appendix E indicates there is low sensitivity of identifying intact subsurface cultural resources deposits during project implementation. The SCIC records search and pedestrian survey did not identify any cultural resources within the project site.

The review of the historic aerials reveals that all native topsoil that would have had the potential to contain cultural deposits have been removed from the project site. The project site has been entirely disturbed by ground-disturbing activities related to the development of a reservoir, earthen dam, and the grading and development of a public elementary school. The geotechnical report prepared for the project indicates that artificial fill is located to depths ranging between 2 to 25.5 feet below existing grade (Appendix F). No prehistoric- or historic-age resources will be present within the fill sediment.

Despite no significant archaeological resources being identified within the project site, in the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities, impacts could be **potentially significant**, and **Mitigation Measure (MM) CUL-1** would be required.

Would the Project disturb any human remains, including those interred outside of formal cemeteries?

The project site is not used as a cemetery and is not otherwise known to contain human remains. Additionally, no evidence of human remains was discovered within the project site during the field surveys. However, this does not preclude finding human remains during project excavation and grading activities. As a standard construction practice, and in accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify the person or persons it believes to be the Most Likely Descendant from the deceased Native American. The Most Likely Descendant shall complete inspection within 48 hours of being granted access to the site and make recommendations for the treatment and disposition, in consultation with the property owner, of the human remains.

Prior to implementation of **MM-CUL-2**, impacts to unknown human remains could be **potentially significant**. The project would be required to comply with Section 7050.5 of the California Health and Safety Code and would implement the City's cultural mitigation measure **MM-CUL-2**, which would ensure that any potential impacts to human remains would not occur.

4.4.5 Cumulative Analysis

According to CEQA, the importance of cultural resources comes from the research value and the information they contain, as well as the loss of recognized cultural landmarks and vestiges of our community cultural history. The cumulative study area includes the project area and cumulative project sites.

Regarding historic resources, no historic resources exist at the project site. Thus, no historical resources, as defined under CEQA will be impacted by the project. This includes no direct, indirect, or cumulative impacts. Regarding cultural resources and TCRs, while considered unlikely based on the SCIC records search and correspondence with the tribes, there remains the potential for the project to encounter previously unknown and unanticipated cultural resources or TCRs during construction of the proposed project. Other cumulative projects being analyzed under CEQA would also be required to perform a records search and analyze potential impacts to historical and cultural resources.

The proposed project would implement **MM-CUL-1** and **MM-CUL-2**, which requires a monitoring program to protect unknown archaeological resources and human remains. There is the potential for nearby cumulative projects, especially those that would result in ground-disturbing activities that would impact intact native soils, to inadvertently discover and adversely affect historical resources, archaeological resources, or human remains. Cumulative projects would be required to implement appropriate mitigation measures to reduce potential impacts, as required by state and local laws and regulations. When considered with other foreseeable projects, cumulative impacts would not be cumulatively considerable. Cumulative impacts would be **less than significant**.

4.4.6 Mitigation Measures

Despite no significant archaeological resources being identified within the project site, to further ensure project development would not result in potential impacts to cultural resources, the project would implement the City's standard cultural mitigation measures, **MM-CUL-1** and **MM-CUL-2**, outlined below.

- MM-CUL-1** In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards can evaluate the significance of the find. Construction activities may continue in other areas but should be redirected a safe distance from the find. If the new discovery is evaluated and found to be significant under the California Environmental Quality Act (CEQA) and avoidance is not feasible, additional work, such as data recovery, may be warranted. In such an event, a data recovery plan should be developed by the qualified archaeologist in consultation with the City of Oceanside (City) and Native American representatives, if applicable. Ground-disturbing work can continue in the area of the find only after impacts to the resources have been mitigated and with City approval.
- MM-CUL-2** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or their authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code, Section 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected and so consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within 2 working days of being notified if the remains are subject to their authority. If the Medical Examiner identifies the remains to be of Native American ancestry, they shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendant.

4.4.7 Level of Significance After Mitigation

As analyzed above, project implementation of the recommendations in the Negative Cultural Resources Inventory Report (Appendix E) and implementation of the City's cultural mitigation measures **MM-CUL-1** and **MM-CUL-2** would ensure that potential impacts to archaeological resources and human remains would remain **less than significant**.

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